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# Commerce Adds China's SMIC to the Entity List, Restricting Access to Key Enabling U.S. Technology

## Trade enforcement

The Bureau of Industry and Security (BIS) in the Department of Commerce (Commerce) added Semiconductor Manufacturing International Corporation (SMIC) of China to the Entity List. BIS is taking this action to protect U.S. national security. This action stems from China's military-civil fusion (MCF) doctrine and evidence of activities between SMIC and entities of concern in the Chinese military industrial complex.

FOR IMMEDIATE RELEASE  
Friday, December 18, 2020

### **Office of Public Affairs**

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“We will not allow advanced U.S. technology to help build the military of an increasingly belligerent adversary. Between SMIC's relationships of concern with the military industrial complex, China's aggressive application of military civil fusion mandates and state-directed subsidies, SMIC perfectly illustrates the risks of China's leverage of U.S. technology to support its military modernization,” said Commerce Secretary Wilbur Ross.

“Entity List restrictions are a necessary measure to ensure that China, through its national champion SMIC, is not able to leverage U.S. technologies to enable indigenous advanced technology levels to support its destabilizing military activities,” added Ross.

The Entity List designation limits SMIC's ability to acquire certain U.S. technology by requiring U.S. exporters to apply for a license to sell to the company. Items uniquely required to produce semiconductors at advanced technology nodes—10 nanometers or below—will be subject to a presumption of denial to prevent such key enabling technology from supporting China's military-civil fusion efforts.

BIS also added more than sixty other entities to the Entity List for actions deemed contrary to the national security or foreign policy interest of the United States. These include entities in China that

enable human rights abuses, entities that supported the militarization and unlawful maritime claims in the South China Sea, entities that acquired U.S.-origin items in support of the People's Liberation Army's programs, and entities and persons that engaged in the theft of U.S. trade secrets.

The Entity List is a tool utilized by BIS to restrict the export, re-export, and transfer (in-country) of items subject to the Export Administration Regulations (EAR) to persons (i.e., individuals, organizations, and companies) reasonably believed to be involved, or to pose a significant risk of becoming involved, in activities contrary to the national security or foreign policy interests of the United States. Additional license requirements apply to exports, re-exports, and transfers (in-country) of items subject to the EAR to listed entities, and the availability of most license exceptions is limited.

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